

SENATE BILL 1537

By Bailey

AN ACT to amend Chapter 35 of the Private Acts of 1915; as amended by Chapter 553 of the Private Acts of 1917; Chapter 741 of the Private Acts of 1919; Chapter 101 of the Private Acts of 1920; Chapter 90 of the Private Acts of 1923; Chapter 743 of the Private Acts of 1925; Chapter 687 of the Private Acts of 1927; Chapter 282 of the Private Acts of 1949; Chapter 464 of the Private Acts of 1953; Chapter 125 of the Private Acts of 1957; Chapter 401 of the Private Acts of 1968; Chapter 78 of the Private Acts of 1989; Chapter 109 of the Private Acts of 1989; Chapter 171 of the Private Acts of 1994; Chapter 23 of the Private Acts of 1997; Chapter 88 of the Private Acts of 2008 and Chapter 65 of the Private Acts of 2016; and any other acts amendatory thereto, relative to the charter of the city of Baxter.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 35 of the Private Acts of 1915, as amended by Chapter 553 of the Private Acts of 1917, Chapter 741 of the Private Acts of 1919, Chapter 101 of the Private Acts of 1920, Chapter 90 of the Private Acts of 1923, Chapter 743 of the Private Acts of 1925, Chapter 687 of the Private Acts of 1927, Chapter 282 of the Private Acts of 1949, Chapter 464 of the Private Acts of 1953, Chapter 125 of the Private Acts of 1957, Chapter 401 of the Private Acts of 1968, Chapter 78 of the Private Acts of 1989, Chapter 109 of the Private Acts of 1989, Chapter 171 of the Private Acts of 1994, Chapter 23 of the Private Acts of 1997, Chapter 88 of the Private Acts of 2008, and Chapter 65 of the Private Acts of 2016, and any other acts amendatory thereto, the same being the Charter of the City of Baxter, is amended by deleting the chapter, as amended, in its entirety and substituting instead the following to be the charter of the City of Baxter:

ARTICLE I.

GENERAL CORPORATE POWERS

Section 1. Name, creation of body politic, etc. Be it enacted by the General Assembly of the State of Tennessee, That the city of Baxter, in the County of Putnam, and the inhabitants thereof be and are, hereby constituted a body politic and corporate under and by the name and style of the Board Mayor and Councilmen of the city of Baxter, and shall have perpetual succession by their corporation name; may sue and be sued; plead and be impleaded; grant, receive, purchase and hold real, mixed, and personal property and dispose of the same for the same for the benefit of the city; may have and use a seal.

Section 2. Legislative powers. Be it further enacted, That the corporation aforesaid shall have full power and authority to enact and pass such laws and ordinances as may be necessary to prevent and remove nuisance; taxing, regulating, or restraining theatrical or other amusements; to establish police protection; to ascertain, when necessary, the boundary and location of streets, lanes, and alleys to grade, pave, and keep in repair the streets and alleys; pass all necessary laws for same; to establish the necessary inspection within the city; to enact all the necessary laws for the regulation of the markets, drays, and personal privileges; to impose and collect fines, penalties, and forfeitures for a breach of the by-laws or ordinances; to appoint or elect all officers or committees that are necessary to carry on the business of the corporation; to levy and collect taxes for the purposes of carrying the necessary measures into operation for the benefit of the municipality and all necessary laws and ordinances to carry the intent and meaning of the Act into effect; and to have all power given a municipal corporation by the laws of the same, provided, that such power is not prohibited by state law or the Tennessee Constitution.

ARTICLE II.

OFFICERS OF THE CITY

Section 1. Terms and qualifications of office. Be it further enacted, That the government of the City of Baxter shall be vested in a Mayor and four (4) Councilmen to be elected to staggered terms as follows:

(a) The terms of the Board of Mayor and Councilmen elected on the first Saturday in March 1993, shall be extended to the date of the regular August election held on the first Thursday in August 1996:

(b) At the regular August election held on the first Thursday in August 1996:

(1) The Mayor shall be elected to a four (4) year term of office.

(2) The two (2) candidates for the office of Councilman who receive the highest number of votes shall be elected to a four (4) year term of office.

(3) The two (2) candidates for the office of Councilman who receive the lowest number of votes shall be elected to a two (2) year term of office.

(c) Thereafter, the city election shall be held on the date of the regular August election on the first Thursday in August of even-numbered years, and the candidates elected to the office of Mayor and Councilman, as appropriate, on that date shall be elected to a four (4) year term of office.

(d) The Mayor and Councilmen shall be elected by qualified voters domiciled within the limits of the municipality and qualified voters who own real property within the municipality. No person shall be qualified to hold, or continue in, the office of Mayor or Councilman who is not a domiciliary of the city. In the event of the death, removal, resignation, or change in domicile of the Mayor or any Councilman, the office held by the person who has died, been removed, resigned, or changed his or her domicile from the City of Baxter shall be deemed automatically vacated on the effective date of such change or transition, and the board of Mayor and Councilmen shall appoint a qualified person to fill the vacancy for the unexpired term.

Section 2. Election of officers. Be it further enacted, That the candidate qualified under the preceding section who receives the highest number of votes for the election shall be elected to the respective office.

ARTICLE III.

BOUNDARIES

Section 1. Boundaries. Be it further enacted, That the boundaries of the city of Baxter shall be those fixed in Article III of Chapter 35 of the Private Acts of 1915, as amended by

Chapter 553 of the Private Acts of 1917, Chapter 282 of the Private Acts of 1949, and all acts amendatory thereto, as well as all annexation effectuated pursuant to general law.

ARTICLE IV.

DUTIES AND POWERS OF THE BOARD OF MAYOR AND COUNCILMEN

Section 1. Oath of Mayor and Councilmen. Be it further enacted, That the Mayor and Councilmen of the city shall, before entering upon the duties of their office, take an oath of office by any officer authorized to administer an oath to faithfully, uprightly, and honestly perform the duties of the office.

Section 2. Appointment and compensation of policemen and other officers and agents. Be it further enacted, That the Board of Mayor and Councilmen shall have full power and authority to appoint a Police Chief and as many Police officers as in their judgment they deem necessary to preserve the peace and quiet of the city, enforce ordinances of the city, and serve process; and to fix their term of office and regulate their compensation. The Board of Mayor and Councilmen shall also have the power and authority to appoint all other officers and agents of the corporation that they deem necessary, and provide for the compensation of those officers or agents.

Section 3. Establish and open streets, etc. Be it further enacted, That the Board of Mayor and Councilmen of the city of Baxter shall have full power and authority to lay off, open new streets, lanes, and alleys in the municipality, and to extend the old ones for the convenience of the inhabitants thereof in the manner and mode prescribed by state law.

Section 4. Power to provide for arrests. Be it further enacted, That the Mayor and Councilmen of the city of Baxter shall have the power and authority by ordinance within the city to provide for the arrest of all rioters and disorderly persons within the city by day or night, and to authorize the arrest and the detention of all persons violating any ordinance of the city or in violation of the laws of the State of Tennessee.

Section 5. Grant of franchises. Be it further enacted, That the board of Mayor and Councilmen shall not grant any exclusive franchise or privilege to any person or corporation within the limit of the municipality for a period longer than twenty years, except the right of

Railroad Companies to build their lines of railroad over, through, and under the streets, alleys, or lanes of the city.

Section 6. Establish fire limits. Be it further enacted, That the Board of Mayor and Councilmen, for the purpose of guarding against calamities of fire, from time to time designate such portion and parts of the city that they may deem proper within which modern buildings may be erected. They may prohibit the erection of wooden buildings in any portion of the city without their permission, and may provide for the removal of such buildings or additions which shall be erected contrary to such prohibitions at the expense of the builder and owner thereof, or if any building in the process of erection appears clearly to be unsafe, the Board of Mayor and Councilmen may cause such building to be taken down after reasonable notice to the owner; provided, that the Board of Mayor and Councilmen shall not declare a nuisance or condemn any building erected before the passage of this Act.

Section 7. Power to pass ordinances. Be it further enacted, That the Board of Mayor and Councilmen shall exercise legislative power and authority to enact all ordinances necessary for the execution of the powers herein conferred on the Corporation.

Section 8. Mayor may veto ordinances; majority of Councilmen a quorum; time and place of board meetings. Be it further enacted, That a majority of Councilmen shall constitute a quorum. The Mayor shall not vote except in case of tie, but he shall have the right to veto in writing any ordinance or resolution passed by the Councilmen, and shall require a three-fourths vote of the Councilmen at a subsequent meeting to pass any ordinance or resolution over the Mayor's veto. The Board of Mayor and Councilmen shall meet regularly once a month at a time and place within the municipality determined by ordinance. Special meetings may be called.

Section 9. Ordinances to be signed by Mayor; may be used in evidence. Be it further enacted, That all ordinances shall be signed by the Mayor and the same shall be spread upon the minutes of the Board of Mayor and Councilmen, and shall be filed and preserved among the records of the city. The ordinances shall be recorded in a book kept for the public, and a certified copy of all ordinances from the minutes of the book kept for the purpose shall be full evidence of the same in all trials in any of the Courts of the State, the certificates to be made by the Mayor under the seal of the Corporation, if the Corporation has a seal.

ARTICLE V.

CITY RECORDER AND CITY JUDGE

Section 2. Appointment and compensation of city judge. Be it further enacted, That the Board of Mayor and Councilmen is authorized to appoint a City Judge, to serve at the will of the Board of Mayor and Councilmen. The compensation of the City Judge shall be fixed by the Board of Mayor and Councilmen. The City Judge shall have original jurisdiction to try all offenses for violations of the municipal ordinances and such jurisdiction as is otherwise provided for by Tennessee law for appointed municipal judges.

ARTICLE VI.

TAXES

Section 1. County assessment controlling. Be it further enacted, That the assessment of the property for taxes for corporation purposes shall be based on the assessment made by Putnam County, and the appropriate officer or employee of the City shall make out the tax book from the County or District Assessor book under the direction of the Board, and when the same is delivered to him for collection, which shall be the first of November of each year. When the taxes shall be due and payable he shall be charged with the gross amount, the countersigned orders and his delinquent list shall be his vouchers for the same and for which he shall receive credit.

Section 2. Tax rate. Be it further enacted, That in making the tax levy the Board of Mayor and Councilmen shall not fix the total levy for all purposes for any year at a higher rate than one dollar (\$1.00) on the hundred dollars (\$100) of the assessed value of the property.

Section 3. Delinquent taxes. Be it further enacted, That when any tax is imposed on any real estate within the bounds of the municipality and such tax is not paid by the owner or occupant of the property on or before the first day of March of the ensuing year and no personal property of the owner of the lot can be found within the bounds of the corporation, out of which such taxes can be made, then it shall be the duty of an appropriate officer or employee of the City to certify the same to the first term thereafter of the Circuit or Chancery Court of Putnam County, giving a full description of the property in each case so certified to in the Court. It shall be the duty of the Court at the term to which the list is so certified to enter a judgment for the

amount of the taxes due the municipality, interest thereon, and the costs, and direct that a writ of sale shall issue to the Sheriff of Putnam County, who shall sell the real estate for the satisfaction of the taxes, interest, and costs; and in making the sale the Sheriff shall be governed by the same laws and regulations which now governs sheriffs in selling land levied on under execution of the Court, and sales made under writs of venditioni exponas, which tax when collected by the Sheriff shall be paid by the Sheriff to the municipality for the use of the municipality, and the purchaser at such sale shall acquire a legal title to the land, subject however to the right of redemption for one year from the date of sale in favor of the party whose land is sold or any creditor of such party and in case of redemption under sales on process from the Court.

ARTICLE VII.

DUTIES OF MAYOR

Section 1. Be it further enacted, That it shall be the duty of the Mayor:

- (a) To preside at all the meetings of the Board of Mayor and Councilmen; to see that all ordinances and laws of the corporation are enforced;
- (b) To take an oath of office before entering upon the duties of his office; to call a special meeting of the Board of Councilmen whenever he may deem it expedient, or on petition in writing of three of the Councilmen;
- (c) To make such suggestions to the Board of Councilmen as in his judgment shall be conducive to the best interest of the corporation;
- (d) To countersign orders issued by the appropriate officer or employee of the City for the payment of any money that may be due from the corporation;
- (e) In cases of a tie on questions before the Board of Councilmen he may vote, but not otherwise;
- (f) That within three months from the time he is inducted into office or sooner, if practicable, give in writing to the Board of Councilmen a general statement of the conditions of the city in relation to its government and finances, sanitary condition, and suggest such improvements as he may deem proper;

(g) To have access to the public records in the office of the appropriate officer or employee of the City; and

(h) That in case of absence of the Mayor, the Councilmen shall elect one of their number to preside in the absence of the Mayor, and the person so elected shall, while so presiding, have all the power and perform all the duties imposed on the Mayor.

ARTICLE VIII.

SALARIES AND COMPENSATION

Section 1. Salary and Compensation Adjusted for new terms. Be it further enacted, That the salary and any other compensation of Mayor and Councilmen shall be modified by ordinance prior to the beginning of a new term.

ARTICLE IX.

CITY ATTORNEY, CHARTER A PUBLIC ACT,

AND EFFECTIVE DATE

Section 1. City attorney. Be it further enacted, That the Board of Mayor and Councilmen may appoint a licensed attorney to serve as the city attorney.

Section 2. City charter a public act. Be it further enacted, That this act is hereby declared to be a public act, and may be read in all the Courts of law and equity without proof.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Baxter. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.